

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CORNELL UNIVERSITY, a non-profit  
New York corporation, and CORNELL  
RESEARCH FOUNDATION, INC., a non-  
profit New York corporation,

*Plaintiffs,*

v.

HEWLETT-PACKARD COMPANY, a  
Delaware corporation,

*Defendant.*

HEWLETT-PACKARD COMPANY, a  
Delaware corporation,

*Counterclaimant,*

v.

CORNELL UNIVERSITY, a non-profit  
New York corporation, and CORNELL  
RESEARCH FOUNDATION, INC., a non-  
profit New York corporation,

*Counterdefendants.*

**DECLARATION OF ERIN P. PENNING IN  
SUPPORT OF DEFENDANT HEWLETT-  
PACKARD COMPANY'S MOTION *IN*  
*LIMINE* TO EXCLUDE OPINIONS OR  
TESTIMONY FROM CORNELL EXPERT  
MARION STEWART BASED UPON  
ROYALTYSOURCE ABSTRACTS**

**[Motion *in Limine* No. 5 of 5]**

Civil Action No.:  
01-CV-1974-NAM-DEP

Judge: Hon. Randall R. Rader  
Trial: May 19, 2008

I, Erin P. Penning, declare as follows:

1. I am an associate at DLA Piper US LLP, counsel of record for Hewlett-Packard Company ("HP") in this case.

2. Attached as Exhibit 1 to this declaration is a true and correct copy of selected abstracts from the RoyaltySource Intellectual Property Database relied upon by Cornell expert Marion Stewart.

3. Attached as Exhibit 2 is a true and correct copy of selected pages from the September 20, 2006 deposition of Marion Stewart, which is designated Confidential – Level 1 under the terms of the Protective Order.

4. Attached as Exhibit 3 is a true and correct copy of selected pages from the June 22, 2006 Expert Report of Marion Stewart, which is designated Confidential – Level 1 under the terms of the Protective Order.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 25th day of April, 2008, at San Diego, California.

/s/ Erin P. Penning  
Erin P. Penning

**Certificate of Service**

I hereby certify that on 4/25/08, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following:  
See attached list

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and that I mailed by United States Postal Service the document to the following non CM/ECF participants: \_\_\_\_\_.

S/ Erin P. Penning\_\_\_\_\_

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